

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)	MDL NO. 1456
AVERAGE WHOLESALE PRICE)	CIVIL ACTION NO.
LITIGATION)	01-12257-PBS
)	
THIS DOCUMENT RELATES TO ALL)	
CLASS ACTIONS)	

JOINT MOTION TO AMEND CMO NO. 17

Counsel for plaintiffs and the Fast Track defendants hereby submit this joint motion to amend Case Management Order (“CMO”) No. 17, regarding expert reports and discovery, by replacing it with CMO No. 21.

CMO No. 17, dated November 21, 2005, called for plaintiffs to serve their expert liability reports by December 15, 2005; defendants to serve their expert liability reports by February 15, 2006; and for expert depositions to be completed by March 15, 2006. Due to scheduling difficulties, the parties will not be able to begin the deposition of plaintiffs’ lead expert, Dr. Raymond Hartman (“Hartman”), until February 27, 2006. The parties agree that defendants’ experts will need 21 days to review the Hartman deposition transcript and incorporate any comments they may have in their reports.

Accordingly, the parties have agreed to proposed Case Management Order No. 21, which sets a deadline of 21 days after completion of the Hartman deposition for serving defendants’ expert liability reports. It also provides for completion of expert depositions within 60 days thereafter. This will not delay the overall schedule inasmuch as discovery of the newly added plaintiff, Blue Cross/Blue Shield of Massachusetts, is not scheduled to be completed until

April 15, 2006, and it is anticipated that other discovery with respect to the newly added plaintiffs will continue at least through May.

Dated: January 26, 2006

Respectfully submitted,

On behalf of FAST TRACK DEFENDANTS

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CERTIFICATE OF SERVICE

I, Lyndon M. Tretter, hereby certify that on January 26, 2006 I have caused a true and correct copy of the foregoing Joint Motion to Amend CMO No. 17 and Proposed Case Management Order No. 21 to be served on all counsel of record by electronic service, pursuant to Paragraph 11 of the Case Management Order No. 2, by sending a copy to Lexis/Nexis for posting and notification to all parties.

/s/ Lyndon M. Tretter